FILED

MAY 12 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8403

UNITED STATES OF AMERICA, Plaintiff,	Mag. Case No.
	COMPLAINT FOR VIOLATION OF:
v.	Title 8, U.S.C., Section 1324 (a)(1)(A)(ii) -Illegal Transportation of Alien(s)
Enrique GAMES-Rubalcalva	
Defendant	

The undersigned complainant, being duly sworn, states:

On or about May 8, 2008, within the Southern District of California, defendant Enrique GAMES-Rubalcalva, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Adrian MENDOZA-Gomez, Juan Alejandro SANTORIO-Sifuentes and Jorge SALAZAR-Solis had come to, entered or remained in the United States in violation of law, did transport or move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 12th DAY OF MAY 2008.

Peter C. Lewis
United States Magistrate Judge

I, Senior Border Patrol Agent M. Mikuski declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complainant states that this complaint is based upon statements in the investigative reports by U.S. Border Patrol Agent D. Blake that on May 8, 2008, the defendant, a citizen of the United States was apprehended near Calexico, California, along with (3) three undocumented aliens from Mexico, in violation of law.

On May 8, 2008, at approximately 9:30 P.M. U.S. Border Patrol Agent's received information from security officers at the Calexico East Port of Entry, they observed several individuals get into a white two door sedan. Agents in the area encountered a white colored two door Acura Integra which matched the vehicle description put out to agents. Agent Troncale recognized the Acura as the same vehicle he has previously seen, attempting to load illegal aliens.

Agent S. Guzman also encountered the Acura and was able to clearly observe the driver of the Acura, later identified as Enrique GAMES-Rubalcava. Agent Guzman saw the GAMES was wearing a grey colored shirt and a black baseball cap. Agent Guzman, in a fully marked Border Patrol vehicle, began to follow the Acura. GAMES began driving in a reckless manner and at high speeds through various streets in Calexico, California.

Agent Guzman observed the Acura strike a parked min-van and a tree before coming to a stop in the front yard of 1628 M. Knechel Avenue, Calexico. California.

Agent Guzman observed GAMES exit the drivers door of the Acura and run north on M. Knechel Avenue. Agent Guzman identified himself and ran after GAMES. After a foot chase and a short physical struggle Agent Guzman placed GAMES under arrest.

Agent Blake identified himself to the three occupants still inside the Acura and questioned them. It was determined they are citizens of Mexico illegally in the United States. GAMES and the three undocumented aliens were placed under arrest and transported to the Calexico Border Patrol Station.

An interview of the Material witnesses, Adrian MENDOZA-Gomez, Juan Alejandro SANTORIO-Sifuentes and Jorge SALAZAR-Solis, revealed they made arrangements with a smuggler in Mexico to pay $2,200 to $3,000 to be smuggled illegally into the United States. MENDOZA, SANTORIO and SALAZAR all stated after crossing the International Boundary illegally into the United States they were picked up by a white car. MENDOZA, SANTORIO and SALAZAR all stated the driver exited the car before it came to a stop and ran away. MENDOZA, SANTORIO and SALAZAR all stated they were in fear for their lives because of the dangerous actions of the driver. MENDOZA, SANTORIO and SALAZAR were shown a six pack photo lineup and positively identified photo number four, GAMES, as the driver of the car.

The complainant states that the names of the Material Witnesses are as follows:

NAME	**PLACE OF BIRTH**
Adrian MENDOZA-Gomez	Mexico
Juan Alejandro SANTORIO-Sifuentes	Mexico
Jorge SALAZAR-Solis	Mexico

(GAMES 8 U.S.C. 1324 page 2)

Further, complainant states that Adrian MENDOZA-Gomez, Juan Alejandro SANTORIO-Sifuentes and Jorge SALAZAR-Solis are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material; that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

Executed on May 10, 2008, at 9:01 AM.

Michael Mikuski
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 pages, I find probable cause to believe the defendant named in this probable cause statement committed the offense on May 8, 2008 in violation of Title 8, United States Code 1324.

5/10/08 @ 9:40 am
Date/Time

Honorable Cathy Ann Bencivengo
United States Magistrate Judge

TOTAL P.01